

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DALLAS D. SMITH,	)	CASE NO.: C05-0492-MAT
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
JO ANNE B. BARNHART, Commissioner	)	BRIEFING SCHEDULE FOR A
of Social Security,	)	SOCIAL SECURITY CASE
	)	
Defendant.	)	
_____	)	

Scheduling of Briefing

On June 1, 2005, the answer and administrative record were filed by defendant in this case. The court is now ready to consider the parties' arguments. Based on the date of filing of the answer and administrative record, the following deadlines are established for the parties to file their briefs:

<b>Plaintiff's Opening Brief is due by:</b>	<b>July 1, 2005</b>
<b>Defendant's Answering/Responsive Brief is due by:</b>	<b>July 29, 2005</b>
<b>Plaintiff's optional Reply Brief is due by:</b>	<b>August 12, 2005</b>

Please Note: Motions for Summary Judgment are not to be filed in lieu of filing the above-referenced briefs.

Electronic Filing

The parties are reminded that all attorneys admitted to practice before this court must file

all pleadings electronically via CM/ECF, unless specifically directed to do otherwise (as in the case of return of a Consent to Proceed Before a Magistrate Judge). Additionally, it is the responsibility of all attorneys to ensure that the email address(es) listed on his or her CM/ECF account is correct. Notification of orders and/or reports and recommendations issued by this court will only be provided via email to the address(es) you have provided. No paper copies will be mailed For detailed information of the electronic filing and notification requirement, please point your web browser to: <http://www.wawd.uscourts.gov>. Additionally, the CM/ECF helpdesk may be reached by telephone at (206) 370-8440 or (866) 323-9293.

The preceding paragraph does not apply to *pro se* plaintiffs. For such litigants, the court will still issue all orders and reports and recommendations via first-class mail, and he or she may still file any documents with this court in paper form.

#### Oral Argument

Either party may request oral argument by inclusion of the text "ORAL ARGUMENT REQUESTED" in the caption of any of the briefs. A request for oral argument is not automatically granted. The Court will defer ruling on the request for oral argument until such time as the Court has reviewed all briefing and the transcript. Counsel will be notified by Chambers if the request for oral argument is granted. Such a request may also be received in letter form, no later than 10 court days after the last briefing deadline listed above.

#### Cases in Which the Commissioner Seeks Remand

In some cases, the Commissioner determines, after a review of the record, that a case should be remanded for further proceedings and a new decision. Where plaintiff agrees, the case in the court can be resolved by a stipulated remand. If the plaintiff does not stipulate to remand but wishes to pursue an order by the court directing the award of benefits, the Commissioner should present any argument for a remand in the Commissioner's brief on the merits. Plaintiff may then respond in the reply brief.

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Determination Procedure

At the conclusion of briefing, or after oral argument (if requested and granted), the case will be ready for determination, under 42 U.S.C. § 405(g). The court shall make a detailed review of the administrative record, the briefing filed by the parties, and the court file, and shall then submit a written Report and Recommendation to the District Judge (for referral cases) or a Memorandum Opinion (for consent cases). If this matter is a referral from a District Judge, you will have an opportunity to respond to the Report and Recommendation before the District Judge takes final action.

Contacting the Court

Depending on the nature of the inquiry, the parties are invited to contact the court in one of the following ways. For questions related to scheduling of oral arguments, please contact In-Court Deputy Clerk Judy Nothern at (206) 370-8420 [[Judy\\_Nothern@wawd.uscourts.gov](mailto:Judy_Nothern@wawd.uscourts.gov)]. For inquiries directed to chambers (i.e. questions pertaining to the substance of any orders filed or issues regarding briefing scheduling), please contact Judicial Assistant Gary Burnopp at (206) 370-8890 [[Gary\\_Burnopp@wawd.uscourts.gov](mailto:Gary_Burnopp@wawd.uscourts.gov)]. Finally, any question pertaining to the technical issues of filing documents electronically or receiving email notifications via CM/ECF should be directed to the CM/ECF helpdesk at (206) 370-8440 or (866) 323-9293.

DATED this 3rd day of June, 2005.



Mary Alice Theiler  
United States Magistrate Judge